### Nebraska Judicial Branch

#### Case Summary

In the District Court of Sarpy County
The Case ID is CI 22 0001762
Samuel Kimbril v. Source Media, LLC
The Honorable George A Thompson, presiding.
Classification: Miscellaneous Civil
Filed on 10/13/2022
This case is Open as of 10/13/2022

#### Parties/Attorneys to the Case

Party
Plaintiff ACTIVE
Samuel Kimbril
11163 Prospect Street
Papillion NE 68046

Defendant ACTIVE
Source Media, LLC
Corporation Service Company
251 Littleton Falls Drive
Wilmington DE 19808
Defendant ACTIVE
Lynnley Browning
2611 W Argyle St #2
Chicago IL 60625

Attorney

Michael F Polk 2712 South 87th Avenue Omaha NE 68124 402-884-7444

Court Costs Information				
Incurred By	Account	Date	Amount	
Plaintiff	Petition	10/13/2022	\$35.00	
Plaintiff	Automation Fee	10/13/2022	\$8.00	
Plaintiff	NSC Education Fee	10/13/2022	\$1.00	
Plaintiff	Dispute Resolution Fee	10/13/2022	\$0.75	
Plaintiff	Indigent Defense Fee	10/13/2022	\$3.00	
Plaintiff	Uniform Data Analysis Fee	10/13/2022	\$1.00	
Plaintiff	J.R.F.	10/13/2022	\$9.00	
Plaintiff	Filing Fee-JRF	10/13/2022	\$7.00	
Plaintiff	Legal Aid/Services Fund	10/13/2022	\$6.25	
Plaintiff	Comp Rec/Records Management	10/13/2022	\$15.00	
Plaintiff	Service Fees	10/25/2022	\$8.93	
Plaintiff	Service Fees	10/25/2022	\$8.09	

Financial Activity	EXHIBIT
	Α

No trust money is held by the court No fee money is held by the court

Payments Made to the Court				
Receipt	Туре	Date	For	Amount
479718	Electronic Trans	10/13/2022	Kimbril,Samuel,	\$86.00
			Petition	\$35.00
			Automation Fee	\$8.00
			NSC Education Fee	\$1.00
			Dispute Resolution Fee	\$.75
			Indigent Defense Fee	\$3.00
			Uniform Data Analysis	\$1.00
			J.R.F.	\$9.00
			Filing Fee-JRF	\$7.00
			Legal Aid/Services Fun	\$6.25
			Comp Rec/Records Manag	\$15.00

#### Register of Actions

10/25/2022 Return Summons/Alias Summons The document number is 00245847 Served 10/19/2022, Certified Mail Image ID N22298ANYD59

10/25/2022 Return Summons/Alias Summons
The document number is 00245846
Served 10/18/2022, Certified Mail
Image ID N22298ANKD59

10/13/2022 Summons Issued on Lynnley Browning The document number is 00245847

E-MAILED: polk@WPSlawfirm.com Image ID D00245847D59

10/13/2022 Summons Issued on Source Media, LLC
The document number is 00245846
E-MAILED: polk@wPSlawfirm.com
Image ID D00245846D59

10/13/2022 Praecipe-Out St Summons/Alias This action initiated by party Samuel Kimbril Image ID N222860EED59

10/13/2022 Complaint-Praecipe
This action initiated by party Samuel Kimbril
Image ID N222860DXD59

8:22-cv-00401 Doc # 1-1 Filed: 11/17/22 Page 3 of 21 - Page ID # 7 Filed in Sarpy District Court

Case Number: D59Cl220001762 Transaction ID: 0019001711

# IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

SAMUEL L. KIMBRIL,	) CI 22 -
Plaintiff,	)
vs.	) COMPLAINT
SOURCE MEDIA, LLC, and LYNNLEY BROWNING,	) ) )
Defendants.	)

THE PLAINTIFF, SAMUEL L. KIMBRIL, for his causes of action against the Defendants, states and alleges as follows:

- 1. Plaintiff resides in Papillion, Sarpy County, Nebraska.
- 2. Defendant SOURCE MEDIA, LLC is a Delaware limited liability company.
- 3. Defendant SOURCE MEDIA, LLC is a nationwide business information company operating in print, online media, and marketing.
- 4. Defendant SOURCE MEDIA, LLC conducts business under the ARIZENT brand name.
- Defendant LYNNLEY BROWNING is an editor and writer for SOURCE MEDIA, LLC.
- 6. On October 17, 2021, Defendants BROWNING and SOURCE MEDIA, LLC wrote and published an article containing false, libelous, and defamatory statements with respect to the Plaintiff SAMUEL KIMBRIL.

- 7. The article is a published account of the alleged workplace interactions in Omaha, Nebraska between Plaintiff KIMBRIL and another Nebraska resident named Cortney Kotzian
- 8. The article outlined Ms. Kotzian's work at and firing from TD Ameritrade/Charles Schwab at that company's Omaha, Nebraska location.
- 9. Ms. Kotzian's published statements about her work at TD Ameritrade directly violate her non-disclosure agreement with the company.
  - 10. TD Ameritrade is an Omaha, Nebraska brokerage company.
- 11. The article at issue is published on the financial-planning.com website owned and managed by Defendant SOURCE MEDIA, LLC.
  - 12. The false and libelous comments include but are not limited to:
    - a. Mr. Kimbril is "Serial-Level Crazy";
    - b. Allegations that Mr. Kimbril harassed Ms. Kotzian while employed at TD Ameritrade;
    - c. Allegations of an arrest of Mr. Kimbril that place him in a false light;
    - d. Allegations that Mr. Kimbril threatened to physically assault Ms.
       Kotzian;
    - e. Publishing information from usbondsman.com that place Mr. Kimbril in a false light;
    - f. Assertions that Mr. Kimbril should be on a sex offender registry;
    - g. Assertions that Mr. Kimbril might have failed to properly report FINRA information; and

- h. Numerous assertions that Mr. Kimbril behaved improperly when he worked at TD Ameritrade.
- 13. No independent investigation was conducted to verify these allegations.
- 14. The article further alludes to an alleged sexual assault by Mr. Kimbril.
- 15. Ms. Kotzian obtained sealed confidential information with respect to those allegations.
- 16. Mr. Kimbril was never convicted of any sexual assault charges and the Court ordered all records sealed.
  - 17. Defendants, however, recklessly published those allegations.
- 18. At the time of publication, Mr. Kimbril was working in Nebraska for Boston Mutual Life Insurance Company.
- 19. Ms. Kotzian sent a link of the article in question to Boston Mutual and Plaintiff's direct supervisor.
- 20. Ms. Kotzian publically discussed the article on her various social media accounts.
- 21. As a result of the article, Mr. Kimbril was forced to resign his position with Boston Mutual.
- 22. As a direct result of the article and its continued presence on Defendant SOURCE MEDIA, LLC's web pages, Plaintiff is no longer able to obtain professional employment.
- 23. Online searches of Plaintiff's name directly associate him with the term "serial killer."

- 24. Pursuant to Nebraska Rev. Stat. § 25-840.01, Plaintiff demanded Defendants to issue a correction of the false and defamatory statements as attached in Exhibit "A" hereto.
  - 25. Defendants failed to issue the correction.
- 26. Defendants published and/or posted personal information about Plaintiff designed for the commercial purposes of monetizing its social media/business accounts in violation of Neb. Rev. Stat. § 20-202.
- 27. Defendants published article constitute intentional interference with the Plaintiff's interest in solitude or seclusion, either as to his person or private affairs or concerns, of a kind that would be highly offensive to a reasonable person in violation of Neb. Rev. Stat. § 20-203.
- 11. Defendants published comments are intended to put Plaintiff before the public in a false light because such comments and statements are highly offensive to a reasonable person and Defendant had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed in violation of Neb. Rev. Stat. § 20-204.
- 12. That the statements and comments published on Defendant's social media accounts with respect to Plaintiff are false.
- 13. That the statements and comments published on Defendant's social media accounts are made with malice and in reckless disregard for the truth.
  - 14. That these statements constitute defamation, slander, and slander per se.
- 15. That because of the defamatory and slanderous statements, invasion of privacy, false light claims, Plaintiff suffered general damages, physical damages, emotional

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damages, and damages to his reputation in the amount in excess of \$100,000.00 as well as

special damages in an amount of \$7,750.00 per month beginning November 1, 2021 and

continuing thereafter.

WHEREFORE, Plaintiff prays for general damages and damages to his reputation

against the Defendant in the amount of \$750,000.00 for defamation, slander, slander per

se, libel, libel per se, invasion of privacy and false light claims as well as special damages

in an amount of \$7,750.00 per month beginning November 1, 2021 and continuing

thereafter. Plaintiff further prays that the Court issue an order enjoining the Defendants to

remove all false and defamatory posts from their affiliated websites and any electronic or

written publication. regarding the Plaintiff. Finally, Plaintiff prays that the costs of this

action be taxed to the Defendants and for such further relief as allowed by law.

DATED: October 13, 2022

SAMUEL L. KIMBRIL, Plaintiff

By:

s/ Michael F. Polk

Michael F. Polk, #21526

WATKE POLK & SENA, LLP

2712 S 87<sup>th</sup> Ave

Omaha, NE 68124

Telephone: (402) 884-7444

E-mail: polk@wpslawfirm.com

Attorney for Plaintiff

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Joan Watke, PC, LLO Michael F. Polk, LLC Jerry J. Sena, PC, LLO

Michael F. Polk, LLC polk@WPSlawfirm.com

November 10, 2021

Lynnley Browning Chana Schoenberger Arizent, LLC Source Media, LLC One State Street Plaza, 27th floor New York, NY 10004

RE: October 17, 2021 article on financial-planning.com

Ms. Browning, Ms. Schoenberger, and Companies:

This office represents Samuel Kimbril and this letter concerns the defamatory and false article published on October 17, 2021 written by Ms. Browning. The article at issue is published on the financial-planning.com website. The false and libelous comments include but are not limited to:

- 1. Mr. Kimbril is "Serial-Level Crazy";
- 2. Allegations that Mr. Kimbril harassed Ms. Kotzian while employed at TD Ameritrade;
- 3. Allegations of an arrest of Mr. Kimbril that place him in a false light;
- 4. Allegations that Mr. Kimbril threatened to physically assault Ms. Kotzian;
- 5. Publishing information from usbondsman.com that place Mr. Kimbril in a false light;
- 6. Assertions that Mr. Kimbril should be on a sex offender registry;
- 7. Assertions that Mr. Kimbril might have failed to properly report FINRA information; and
- 8. Numerous assertions that Mr. Kimbril behaved improperly when he worked at TD Ameritrade.

It appears no independent investigation was pursued to verify Ms. Kotzian's allegations. Your publication has a fundamental lack of understanding of why court records may be sealed. Your article places Mr. Kimbril in a false light and is published with a reckless disregard for the truth. Pursuant to Nebraska Rev. Stat. § 25-840.01, demand is hereby made that you issue a correction of these statements, specifically disavow these comments, and/or remove the article in its entirety. Govern yourself accordingly.

Sincerely yours,

Michael F. Polk

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STORE SECTION	COMPLETE THIS SECTION ON L	DELIVERY
SENDER: COMPLETE THIS SECTION  Complete Items 1, 2, and 3.  Print your name and address on the reverse so that we can return the card to you.  Attach this card to the back of the mailpiece, or on the front if space permits.  Article Addressed to:  Lymly Prouning James Shanbury  Arzent, LLC Source Media LLC  One State Street Place, 27th floor  New Yorle, NY 10004	A. Signature  X  B. Received by (Printed Name)  D. Is delivery address different from	Agent Addressee C. Date of Delivery
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#### IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

SAMUEL L. KIMBRIL,	) CI 22 -
Plaintiff,	)
vs.	) PRAECIPE
SOURCE MEDIA, LLC,	)
and LYNNLEY BROWNING,	)
Defendants.	)

Please issue SUMMONS and copy of the COMPLAINT in the above-entitled cause, and deliver same for service as follows:

#### CERTIFIED MAIL SERVICE:

SOURCE MEDIA d/b/a ARIZENT CORPORATION SERVICE COMPANY 251 LITTLE FALLS DRIVE WILMINGTON DE 19808

LYNNLEY BROWNING 2611 W ARGYLE ST APT 2 CHICAGO, IL 60625-2717

SAMUEL L. KIMBRIL, Plaintiff

By: s/ Michael F. Polk
Michael F. Polk, LLC #21526
WATKE POLK & SENA, LLP
2712 S. 87<sup>th</sup> Ave.
Omaha, Nebraska 68124
Telephone: (402) 884-7444
Facsimile: (402) 884-7443
e-mail: polk@wpslawfirm.com
Attorney for Plaintiff

Case Number: D59Cl220001762 Transaction ID: 0019001711

# IN THE DISTRICT COURT OF SARPY COUNTY, NEBRASKA

SAMUEL L. KIMBRIL,	)	CI 22 -
	)	
Plaintiff,	)	
	)	
vs.	)	PRAECIPE
	)	
SOURCE MEDIA, LLC,	)	
and LYNNLEY BROWNING,	)	
	)	
Defendants.	)	

Please issue SUMMONS and copy of the COMPLAINT in the above-entitled cause, and deliver same for service as follows:

#### **CERTIFIED MAIL SERVICE:**

SOURCE MEDIA d/b/a ARIZENT CORPORATION SERVICE COMPANY 251 LITTLE FALLS DRIVE WILMINGTON DE 19808

LYNNLEY BROWNING 2611 W ARGYLE ST APT 2 CHICAGO, IL 60625-2717

SAMUEL L. KIMBRIL, Plaintiff

By: s/ Michael F. Polk
Michael F. Polk, LLC #21526
WATKE POLK & SENA, LLP
2712 S. 87<sup>th</sup> Ave.
Omaha, Nebraska 68124
Telephone: (402) 884-7444
Facsimile: (402) 884-7443
e-mail: polk@wpslawfirm.com

Attorney for Plaintiff

#### 8:22-cv-00401 Doc # 1-1 Filed: 11/17/22 Page 12 of 21 - Page ID # 16

Image ID:
D00245846D59

#### **SUMMONS**

Doc. No. 245846

IN THE DISTRICT COURT OF Sarpy COUNTY, NEBRASKA Sarpy County Courthouse 1210 Golden Gate Dr, Ste 3141 Papillion NE 68046 3087

Samuel Kimbril v. Source Media, LLC

Case ID: CI 22 1762

TO: Source Media, LLC

FILED BY

Clerk of the Sarpy District Court 10/13/2022

You have been sued by the following plaintiff(s):

Samuel Kimbril

Plaintiff's Attorney: Michael F Polk

Address: 2712 South 87th Avenue Omaha, NE 68124-3045

Telephone: (402) 884-7444

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Nebraska Supreme Court Rule 2-208 requires individuals involved in a case who are not attorneys and representing themselves to provide their email address to the court in order to receive notice by email from the court about the case. Complete and return the attached form to the court if representing yourself.

Date: OCTOBER 13, 2022 BY THE COURT:

CLERK CHERK OF THE PICTURT COURT

#### 8:22-cv-00401 Doc # 1-1 Filed: 11/17/22 Page 13 of 21 - Page ID # 17

Image ID: SUMMONS
D00245846D59 Doc. No. 245846

PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Source Media, LLC Corporation Service Company 251 Littleton Falls Drive Wilmington, DE 19808

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

#### SERVICE RETURN

Doc. No.

245846

SARPY COUNTY DISTRICT COURT Sarpy County Courthouse 1210 Golden Gate Dr, Ste 3141

m -	Papillion NE 68046 3087					
To: Case ID:	CI 22 1762 Samuel Kimbril v. Source Media, LLC					
	Received this Summons on, I hereby certify that on					
	,, at o'clockM. I served copies of the Summons					
	upon the party:					
	by					
	as required by Nebraska state law.					
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	CERTIFIED MAIL PROOF OF SERVICE					
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	on the day of, as required by Nebraska state lav					
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	The return receipt for mailing to the party was signed on,					
ource Me	dia, LLC From: Michael F Polk					

To: So 251 Littleton Falls Drive Wilmington, DE 19808

Omaha, NE 68124-3045

#### 8:22-cv-00401 Doc # 1-1 Filed: 11/17/22 Page 15 of 21 - Page ID # 19

Image ID:
D00245847D59

#### **SUMMONS**

Doc. No. 245847

IN THE DISTRICT COURT OF Sarpy COUNTY, NEBRASKA Sarpy County Courthouse 1210 Golden Gate Dr, Ste 3141 Papillion NE 68046 3087

Samuel Kimbril v. Source Media, LLC

Case ID: CI 22 1762

TO: Lynnley Browning

FILED BY

Clerk of the Sarpy District Court 10/13/2022

You have been sued by the following plaintiff(s):

Samuel Kimbril

Plaintiff's Attorney: Michael F Polk

Address: 2712 South 87th Avenue Omaha, NE 68124-3045

Telephone: (402) 884-7444

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Nebraska Supreme Court Rule 2-208 requires individuals involved in a case who are not attorneys and representing themselves to provide their email address to the court in order to receive notice by email from the court about the case. Complete and return the attached form to the court if representing yourself.

Date: OCTOBER 13, 2022 BY THE COURT:

CLERK COURT POSTRICT POSTRICT POSTRICT POSTRICT POSTRICT

#### 8:22-cv-00401 Doc # 1-1 Filed: 11/17/22 Page 16 of 21 - Page ID # 20

Image ID: SUMMONS
D00245847D59 Doc. No. 245847

PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Lynnley Browning 2611 W Argyle St #2 Chicago, IL 60625-2717

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

#### SERVICE RETURN

Doc. No. 245847

SARPY COUNTY DISTRICT COURT
Sarpy County Courthouse
1210 Golden Gate Dr, Ste 3141
Papillion NE 68046 3087

m -	Papi	lllion	NE 680	046 3087
To: Case ID:	CI 22 1762 Samuel	Kimbril v.	Source Med	dia, LLC
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Lynnley B:	rowning gyle St #2			chael F Polk 12 South 87th Avenue
	<b>54</b>			aha, NE 68124-3045

Chicago, IL 60625-2717

8:22-cv-00401 Doc # 1-1 Filed: 11/17/22 Page 18 of 21 - Page ID # 22 Filed in Sarpy District Court

#### SERVICE RETURN

Case Number: D59CI220001762 TransactiondD: 0019648907 Filing Date: 10/25/2022 09:26:34 AM CDT

SARPY COUNTY DISTRICT COURT Sarpy County Courthouse 1210 Golden Gate Dr, Ste 3141 Papillion NE 68046 3087

To:

Case

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-	or on the front if space permits.  1. Article Addressed to:		10:		
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	Postage \$ <u>7 · ? 3</u>	Attorney for:	Plaintift		

To: Source Media, LLC Corporation Service Company 251 Littleton Falls Drive Wilmington, DE 19808

From: Michael F Polk 2712 South 87th Avenue Omaha, NE 68124-3045

## Certificate of Service

I hereby certify that on Tuesday, October 25, 2022 I provided a true and correct copy of the Return-Summons/Alias Summons to the following:

Signature: /s/ Polk, Michael, F (Bar Number: 21526)

#### SERVICE RETURN

Case Number: D59Cl220001762 Transaction dD: 00129048907 Filing Date: 10/25/2022 09:26:34 AM CDT

SARPY COUNTY DISTRICT COURT Sarpy County Courthouse 1210 Golden Gate Dr, Ste 3141 Papillion NE 68046 3087

To:

	Case ID: C	I 22 1762 Samuel Kim	bril v. Source Media	, LLC	
			4	l hambu ac	rtify that on
	SENDER:	COMPLETE THIS SECTION	COMPLETE THIS SECTION ON	I DELIVERY	f the Summons
	■ Complete	items 1, 2, and 3.	A. Signature		
	■ Print your	name and address on the reverse	l x	☐ Agent	
	so that we	e can return the card to you.		☐ Addressee	
	Attach thi	s card to the back of the mailpiece, front if space permits.	B. Received by (Printed Name)	C. Date of Delivery	
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			(Sheriff or autho	rized person)	
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			CERTIFIED MAII		
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	TI	ne return receipt for mailing to tl	he party was signed on 🥒 🤇	oct 19,	2012
To:	Lynnley Brow	_	From: Michae	el F Polk	
	2611 W Argy	Le St #2		South 87th Aver	
	Chicago, IL	60625-2717	Omaha,	NE 68124-3045	

# ATTACH RETURN RECEIPT & RETURN TO COURT

## Certificate of Service

I hereby certify that on Tuesday, October 25, 2022 I provided a true and correct copy of the Return-Summons/Alias Summons to the following:

Signature: /s/ Polk, Michael, F (Bar Number: 21526)